

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ISHMAEL ALI BURK,

Plaintiff,

v.

MS. LONG, *et al.*,

Defendants.

No. 1:20-CV-02179

(Chief Judge Brann)

ORDER

AND NOW, this 10th day of June 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 56) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) is **GRANTED** in part and **DENIED** in part, as follows:
 - a. Defendants' motion is **GRANTED** as to Burk's First and Second Amendment claims as against all Defendants. Those Section 1983 claims will be dismissed with prejudice.
 - b. Defendants' motion is **DENIED** in all other respects.
2. This case will proceed on the following Eighth Amendment claims: (1) failure to protect against Long; (2) deliberate indifference to serious medical needs against Long and Fisher; and (3) excessive force against Fisher and Miller.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge